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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
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11 STEVE SIMS,

12 Plaintiff,

13 v.

14 WORLD PAC, INC.,

15 Defendant.
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Case No. 12-cv-05275 JSW (NC)

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
COMPEL**

Re: Dkt. No. 32

17 Plaintiff Steve Sims moved to compel defendant WorldPac, Inc. to respond to two
18 interrogatories and a request for production of documents. WorldPac opposed the discovery
19 as overbroad, irrelevant, and seeking privileged documents. The Court held a hearing on
20 June 19, 2013 and ruled from the bench. This order summarizes the ruling.

- 21 • The Court GRANTS Sims' motion to compel WorldPac's responses to his
22 interrogatories with respect to Thomas Klutzz and Walt Phillips, finding
23 Klutzz and Phillips similarly situated to Sims in that they were approximately
24 the same age when terminated and terminated by the same WorldPac
25 employee. The Court DENIES the motion to compel responses regarding
26 branch managers and associate branch managers because Sims has failed to
27 show that those positions are relevant to his claims.

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- The Court DENIES Sims' motion to compel the production of documents related to the *Ganda* settlement because Sims has not shown that the requested discovery is relevant to his claims.
- The parties must meet and confer further, and, if they still seek fees and costs in bringing and defending against this motion, file a joint letter brief within fourteen days, in accordance with my standing order, regarding their respective positions on the apportionment of costs and fees under Federal Rule of Civil Procedure 37(a)(5)(C).

Any party may object to this order within fourteen days. Fed. R. Civ. P. 72(a).

IT IS SO ORDERED.

Date: June 19, 2013


Nathanael M. Cousins
United States Magistrate Judge